

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-25 ADP-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15

USIA-15 COME-00 EB-11 FMC-04 CG-00 COA-02 AEC-11

SCS-03 SCA-01 JUSE-00 /126 R

DRAFTED BY L/OA - MBWEST/EUR/WE - EJBEIGEL:PAM

8/1/73

APPROVED BY THE DEPUTY SECRETARY

EUR - MR. STOESSEL

EUR/WE - MR. VINEPM/AE HANDYSIDE

OSD/COUN - MR. FORMAN

OSD/ISA - MR. BERGOLD

L - MR. ALDRICH

AEC - MR. PENDAR (INFORMED)

S/S - MR. GAMMON

NSC - MR. SONNENFELDT

----- 124433

R 022146Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY PARIS

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E.O. 11652: N/A

TAGS: PARM, PFOR, FR

SUBJECT: FRI

1. EMBASSY IS REQUESTED DELIVER FOLLOWING NOTE ON THIS
SUBJECT TO THE FOREIGN MINISTRY:

2. QUOTE: THE EMBASSY OF THE UNITED STATES OF AMERICA
PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN
AFFAIRS AND REFERS TO THE INCIDENT CONCERNING THE UNITED
STATES REGISTERED VESSEL FRI. ON JULY 17, 1973, WHILE
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SAILING ON THE HIGH SEAS, THE AMERICAN VESSEL FRI WAS

BOARDED BY SEAMEN FROM THE FRENCH NAVY AND TAKEN IN TOW. THE BOAT WAS TAKEN TO MURUROA AND ITS CREW AND PASSENGERS WERE REMOVED FROM THE FRI AND TAKEN TO HAO. THE MASTER OF THE FRI AND ONE OF THE PASSENGERS WERE UNITED STATES CITIZENS.

3. THE UNITED STATES WISHES TO INFORM THE GOVERNMENT OF FRANCE THAT IT TAKES EXCEPTION TO THE ACTIONS OF THE FRENCH GOVERNMENT IN SEIZING THE FRI AND REMOVING ITS CREW AND PASSENGERS. THE UNITED STATES HAS DECLARED DANGER ZONES ON THE HIGH SEAS AND RECOGNIZES THE RIGHT OF FRANCE TO DO SO. HOWEVER, THE UNITED STATES DOES NOT BELIEVE THAT THE USE OF FORCEFUL MEASURES TO EXCLUDE FOREIGN VESSELS FROM SUCH DANGER ZONES CAN BE JUSTIFIED UNDER INTERNATIONAL LAW. WE SEE NO LEGAL JUSTIFICATION

FOR THE BOARDING OF THIS VESSEL AND FOR THE APPARENT SILENCING OF ALL RADIO COMMUNICATION. IN ADDITION, THE UNITED STATES FINDS NO BASIS IN INTERNATIONAL LAW WHICH JUSTIFIES THE REMOVAL OF THE PASSENGERS FROM THE VESSEL. THE FLAG STATE IS THE ONLY STATE WHICH HAS LEGAL JURISDICTION OVER A VESSEL ON THE HIGH SEAS EXCEPT FOR CERTAIN VERY LIMITED EXCEPTIONS, SUCH AS PIRACY AND SLAVE TRADE.

4. FURTHERMORE, THE UNITED STATES WISHES TO EXPRESS ITS CONCERN OVER THE FAILURE OF FRENCH AUTHORITIES TO INFORM US PROMPTLY AND FULLY OF THE CIRCUMSTANCES OF THE SEIZURE OF THE FRI AND THE SUBSEQUENT TREATMENT OF THE VESSEL AND ITS PASSENGERS. WHILE WE ACCEPTED FRENCH ASSURANCES THAT THE FRI WAS NOT DAMAGED, AND UNDERSTAND THAT THE PURPOSE OF THE FRENCH GOVERNMENT HAS BEEN TO ASSURE THAT THE MASTER OF THE FRI AND OTHER AMERICAN CITIZENS REMAIN SAFE DURING THE PERIOD OF NUCLEAR TESTING, THE UNITED STATES FEELS THAT THE GOVERNMENT OF FRANCE DID NOT MEET ITS OBLIGATIONS UNDER THE SYSTEM OF COOPERATION ESTABLISHED IN THE UNITED STATES-FRENCH CONSULAR CONVENTION OF JULY 18, 1966. IN PARTICULAR, THERE WAS A FAILURE TO NOTIFY A CONSULAR OFFICE PRIOR TO OR IMMEDIATELY AFTER THE SEIZURE.

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5. THE UNITED STATES RESERVES ITS RIGHTS, AND THOSE OF ITS NATIONALS, IN LIGHT OF THE ACTIONS TAKEN BY THE FRENCH AUTHORITIES IN THIS MATTER. UNQUOTE.

6. (COMPLIMENTARY CLOSE).

ROGERS

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